

REMARKS

Claim 3 has been cancelled. Allowance of subject claims 4-5, both of which have been amended above, is respectfully requested.

Rejection Under 35 USC. 103

Claims 3-5 have been rejected under 35 USC 103 as being unpatentable for obviousness over GB 2,074,091 to Hildebrandt et al (Hildebrandt) in view of US 5,134,017 to Baldwin et al (Baldwin).

The rejection stands per the Advisory Action, dated June 17, 2004. The Examiner states in the Advisory Action that the Applicants arguments about a "liner" are not commensurate with the scope of the claims. Applicants take issue with that position because the claimed article acts as an upper and as a liner. Therefore it is commensurate to provide arguments showing that the cited references do not disclose or suggest this two-in-one capability. Additionally, Applicants are unsure what the Examiner means by the statement that a stock material (versus a particular article) is being claimed. A shoe upper that also functions as a liner is clearly a particular article.

Claims 4 and 5 have been amended above and it is believed that they are now in condition for allowance, because the cited references, singly or combined, do not suggest the invention as currently claimed.

CONCLUSION

The foregoing is believed to be a full and complete response to the outstanding Office Action. It is further believed that any bases for the rejections have been overcome and that the pending claims should be allowed. If any matters remain for resolution, the Examiner is encouraged to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frederick D. Strickland", written in a cursive style.

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